

PREPARE TO MOVE

Japanese Envoys Order Their Safe Taken Out.

The Czar's Answer to Roosevelt Expected on Tuesday.

TO SUBMIT PROTOCOLS

Both Sides Have Their Statements Nearly Completed.

For Submission at What May Be Their Final Meeting.

Portsmouth, Aug. 21.—The Japanese today notified the firm from which they rent a commodious safe for their papers at the hotel, to take out the safe and render their bill this afternoon.

The emperor's reply to the message of Mr. Roosevelt transmitting the proposition of President Roosevelt, had not been received up to noon, and was not expected until tomorrow at the earliest. It is certain therefore that there will be no final show of hands until tomorrow's meeting.

There would have been an ideal day to negotiate peace. Before breakfast this morning Mr. Witte, although not feeling well, was hard at work and he scarcely stopped while breakfast was served to him in his room. Baron Rosen had not returned from Magnolia.

No plan for either mission has been announced today, but as both are expected cablegrams from their home governments, which may decide the fate of the negotiations, it is thought that they will not go far from the hotel today. The Dolphin has received orders to sail for Boston and will probably get under way this morning. It is assumed here that she will later return in case the envoys upon ending their labors, wish to return to New York by water. The Mayflower will remain throughout the conference.

PROTOCOLS BEING PREPARED.

Both the Russians and Japanese have almost finished their preparation of the propositions to be submitted tomorrow. The features of the protocols are the presentation of the reasons advanced by both sides for the divergence of views upon the articles upon which no agreement was reached. In article 5, the cession of Sakhalin, the Japanese claim that they are entitled to the island as well by reason of their national rights, it is thought that the present occupation by the Japanese forces. The Russian, on the contrary, insist that up to 1859 Japan had never claimed any right to Sakhalin and at that time only 23 Japanese lived in the island, during the fishing season. Admiral Putiatine opened the eyes of the Japanese to the value of Sakhalin when he was in 1854 and initiated negotiations for the possession of the entire island by Russia. It was then that Japan, in order to make good her claims, tried to colonize the island, and stated that the Aino race which lives there, belonged to the same family as the original inhabitants of the northern islands of Japan.

The negotiations between Russia and Japan started in 1855 and continued for 20 years, ending with the treaty of 1875 by which the sovereignty of Russia over the whole island was recognized.

With regard to article 5, the protocol repeats the arguments already forth several times in the Associated Press dispatches. The Japanese claim reimbursement for the expenses of the war on the ground that Russia forced by Russia's aggressions to resort to arms for self-preservation, and having been victorious at all points on sea and land, was entitled to the island. Russia, on the contrary, denies absolutely that Japan is in a position to dictate such a condition as Russia does not acknowledge any appearance at the conference not implying mercy but because of her love of peace and her willingness to conclude it on an honorable basis.

Russia declares that a claim for indemnity under the circumstances is unprecedented, and reviews the historical occasions where indemnity was paid in support of her contentions.

The protocol states that Russia throughout her history has never paid a war indemnity not even when Napoleon the Great invaded the Muscovite empire in 1812 and occupied Moscow.

INTERNED WARSHIPS.

With regard to article 10 (the interned warships) Japan insists that the surrender of interned warships which have sought refuge in neutral ports as a spoil of war, is not contrary to international law. Russia, however, asserts that international law awards no precedent for a claim for the possession of property in the safe keeping of neutral powers.

Finally with regard to article 11 (the limitation of the Russian naval power in the far east) the Japanese assert that it is indispensable to secure a lasting peace. Russia rejects the whole idea, being an offense to Russian honor and dignity. While declining, however, to place such an article in a treaty she is willing to make a declaration that she has no intention of attempting to create a fleet in Japan or of any other power in the far east.

BARON KANEKO CALLS AGAIN.

Oyster Bay, Aug. 21.—An unexpected phase of the peace negotiations developed today in the arrival of Baron Kaneko, a special representative of the Japanese government, for a conference with President Roosevelt. The meeting, it is known was arranged hurriedly. It was 11 o'clock before he reached Sagamore Hill. No outsiders were engaged with the president today.

Baron Kaneko remained with the president three-quarters of an hour and then, after a short conference with the president, he declined to discuss his representation of the Japanese government but wished it understood that he was not the financial representative. He intimated that Japan might orally but could not definitely. "I think we will know tomorrow afternoon at 3 o'clock when the envoys meet in Portsmouth," said he. "By that time they will have determined the matter."

"Do you mean they will have heard definitely from their governments by that time?"

"Yes, I assume so," he replied.

"Baron Kaneko was asked if a proposition had been made to submit any point

OF DIFFERENCE THAT HAD ARISEN BETWEEN THE ENVOYS TO THE HAGUE TRIBUNAL.

"Oh, I know nothing—nothing at all about that. What I read in the newspapers is all I know. The American newspapers have the ability to get at one's inner mind."

Baron Kaneko also intimated that he came today on his own initiative and not by invitation of the president.

President Roosevelt declines to discuss the negotiations in any way and authorized the statement that nothing would be made public by him concerning the visit of Baron Kaneko.

England Will Not Interfere.

London, Aug. 21.—The Associated Press was informed at the foreign office today that President Roosevelt had not requested the British government make representations to Japan on the question of peace. The foreign office thinks it would be impertinent for the British government to request Japan to modify her demands. The government declared that Japan's demands are moderate and that she should not be deprived of the fruits of her victory.

The foreign office further said it did not believe that Japan would modify the terms put forward at the opening of the conference.

Official reports received by the government from Russia take a gloomy view of the situation. The members of the British cabinet are divided, some taking a hopeful view and others believing that hopes have been dissipated.

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YOUNG WALSH KILLED.

His Sister's Leg Broken in an Automobile Accident.

Newport, R. I., Aug. 21.—Vincent Walsh, the 18-year-old son of Thomas Walsh of Colorado, has been killed in the worst automobile accident that has occurred at Newport in recent years. With him in his 40 horse power machine at the time was Mrs. James L. Kernochan of Hempstead, the cross country rider and whip. Miss Evelyn Walsh, his 16-year-old sister; Harry Delich, and Herbert Zell. All of them were seriously injured. Miss Walsh suffered a fracture of the right leg.

The accident that resulted in young Walsh's death occurred at a bridge over a small stream between Newport and Easton's beach. Walsh had taken Mrs. Kernochan, his sister and two friends on his big machine after a luncheon at the Clam bake club. He was driving the big machine at a lively clip when the tire of the rear right wheel exploded and the wheel snapped off.

In a second the giant car had bounded into the air, swerved to the right, smashed the top of the bridge, which is six by three inches, and plunged into the creek. As the machine smashed through the railing, the broken top rail struck Walsh's head with such force that he died within an hour. The automobile dropped six feet into the stream. It turned turtle and Walsh and his companions were caught beneath the tonneau.

MILLERS ARE COMING.

Write That Terms for State Fair Have Been Accepted.

Secretary Charles Samson of the State Fair association received a telegram today from the Miller Bros., of the 101 ranch of Elliot, Okla., accepting the offer made to them by the fair association, and it is now an assured fact that the Miller bunch of attractions will be at the fair. The terms of the contract they will put on a free attraction each day in front of the grand stand. These exhibitions will consist of broncho busting, roping, Indians and cowboy riding and various other western sports. Aside from the free exhibitions the Millers will have a big wild west show which will be held under a separate enclosure. There will be a band of about 100 cowboys and Ponca and Ojibwa Indians as well as several cars of wild horses and mules used in putting on the 101 ranch attractions. The 101 ranch band, uniformed in cowboy costume, will be another of the attractions furnished by the Millers. This band will be one of the free attractions each day.

IRRIGATIONISTS MEET.

Thirteenth Annual Session of the Congress Convened.

Portland, Ore., Aug. 21.—The thirteenth annual meeting of the National Irrigation congress, with more than a thousand delegates present representing more than four-fifths of the states in the Union, assembled today at the Lewis and Clark auditorium. Governor Pardee of California, president of the congress, called the convention to order. Governor Chamberlain welcomed the delegates to Oregon. Governor Chamberlain prefaced his welcome by emphasizing the importance of irrigation. He declared that the existing laws which he believed to be lacking especially in conferring sufficient power to condemn private property for public use. He extended a cordial welcome to the delegates of the congress.

COVILLE GOT HIS MONEY.

Helped Negro 15 Years Ago and Is Repaid Today.

J. Wesley Johnson is a colored man who dwelt in Topeka some 15 years ago. About that time his wife died and he bowed the funeral money from Mr. E. J. Coville, a grocer, on Tenth avenue, near Tyler, at the same time running up a small store bill. Shortly after this Johnson concluded his health required a warmer climate and without consulting anyone in particular left for Dixie.

Today Mr. Coville, much to his surprise, received a letter enclosing \$40 from Johnson, dated Memphis, Tenn., stating that the bill should have been paid long ago and the matter had "slipped his mind."

But a hint that he had joined a big revival seemed the more rational reason to Mr. Coville.

WHY THE BANK FAILED.

Louisville, Ky., Aug. 21.—The Western National bank, ordered closed by the federal authorities, had been anticipated. On May 29, the bank showed a reserve of only 14 per cent and its business had fallen off steadily since then.

President T. L. Jefferson, of the bank, in a statement says the failure is due simply to overloans and shrinkage in deposits.

EIGHT KILLED.

A Street Car Filled With Merry-makers, at Butte

Struck by a Freight Train and Crushed.

FOURTEEN INJURED.

Most of the Passengers Were Women and Girls.

The Train of 14 Cars Was Being Pushed by Locomotive.

Butte, Mont., Aug. 21.—Eight persons were killed, one fatally injured and about thirteen more or less injured in a collision between a street car filled with merry-makers from the Columbia Gardens and a freight train on the Butte, Anaconda & Pacific last night.

The Dead.

MAGGIE HARRINGTON, aged 19.

MRS. D. J. JOHNSON, aged 19.

MRS. JACOBS, colored.

MAGGIE KEFER, aged 19.

VERA HAUGHTON, aged 14.

CHRISTIE WOLD, unknown except by name on card.

Unidentified man and woman.

THE INJURED.

Teresa Kotke.

Harry L. Lindley.

Joseph Kennedy.

Tennie Brudes.

Albert Dockstader.

Agnes Sullivan.

John Shady.

James Cairns.

Phelix Hughes.

Alfred Jackson.

Cell.

Loaded with passengers, many of them women and girls, the car returning from Columbia gardens was struck by the end of a freight train on the railroad north of the depot and crushed beneath the weight of one freight car, killing eight and fatally injuring one and perhaps another. Numerous others were slightly hurt and were taken to their homes for treatment. That more were not killed is miraculous, for the accident occurred as a sudden rush prevented any hope of escape for those on the front end. Most of them were women and young girls, and six of these were killed, the other two being men.

Protruding from beneath the bottom of the mass of twisted and broken timbers were the feet and lower limbs of several of the victims. The limbs were badly crushed and the feet of a woman were almost severed just above the ankles. Her groans could be faintly heard, but as the remainder of the body was obscured from view it was impossible to identify the victim.

The train which struck the street car was composed of fourteen freight cars, being pushed east on the tracks by a locomotive. The street car was approaching from the south and there was a collision. It was not clear whether it made the usual crossing stop, although it is believed it did. Conductor Hoagland says he was on top of the train with a lantern and warned the motorman, but the latter put on speed and attempted to cross ahead of the train.

STUBBS COMES TO TOWN.

Says Democrats and Disgruntled Republicans Stand by Kelly.

W. R. Stubbs was in town today to talk with Governor Hoch. He said that nothing is doing in politics.

"Kelly seems to have a good many friends up there in Douglas county," was suggested.

"Yes, there are a lot of Democrats and dissatisfied Republicans who stand by him. I was very sorry not to be able to attend the horse trial picnic where Kelly spoke, but I had to go to Kansas City that day."

Speaking of the proposed Kansas City-Topeka electric line in which he and Senator Doley are interested, Mr. Stubbs said:

"The people who are backing this line have already put some money into it, and are likely to go ahead with their work. If they decide to build the line, I will do the work for them."

NO MANGE IN KANSAS.

So John B. Baker, Commissioner, Wants Restrictions Removed.

John B. Baker, state live stock commissioner, says that an arrangement will probably be made with the government officials by which the government quarantine for mange which has existed against the whole state of Kansas since last May will be lifted as far west as the west line of Barton county.

Complaint about this quarantine has been made by three stockmen from El Dorado, who went to St. Louis with cattle, and although the cattle were perfectly healthy, they were unable to dispose of them until the cattle had shrunk and the price had gone off, because of the attitude of the government inspector.

Mr. Baker said today: "It is true that this quarantine against mange was issued against the state last May. The order was issued by Secretary Wilson of the department of agriculture. I have taken the matter up with Albert Dean, the United States commissioner at Kansas City, and I expect to reach an understanding with him by which the quarantine will be raised as far west as Barton county."

Mr. Baker says that the Texas fever situation in southern Kansas is unchanged, and that it is not spreading.

JAPAN'S LATEST PRIZE.

San Francisco, Aug. 21.—The Russian transport Australia, reported seized by the Japanese at Petrovsk harbor on August 13, was a vessel well known in this harbor and along the entire Pacific coast. She belonged to the Oceanic Steamship company and was chartered by Roth, Blum & Co. of this city. On May 24 last, she sailed from here for Petrovsk in charge of Captain Rennie. She carried an assorted cargo of merchandise valued at \$83,841, destined for various ports of Asiatic Russia.

PAY ON OCT. 10.

First National Depositors Will Then Get First Dividend.

Sam Ridges, President Depositor's Committee, the Authority

TRYING TO FIND OUT.

Will Soon Know What Is in the Bank.

Explains the Misunderstanding About the Interest Allowance.

"You tell the depositors to keep their eyes peeled, and they will see something coming their direction about October 10."

In this way, smiling like a school boy released for his summer's vacation, Sam Ridges, chairman of the depositors' committee, announced that he had obtained reliable information that on October 10 the depositors of the First National bank would be paid their first dividend since the institution has failed.

"Don't say exactly October 10," continued Mr. Ridges, "for it may be a few days before or a few days later. But it will come right around that time. I'll tell you it's good news. I found out about it this morning."

"How much will the dividend be?" was asked.

"I don't know, and no one outside the bank knows. I might guess," he replied, "but I don't want to do that. The bank is getting in money every day. But the announcement can be made with positiveness, that right about October 10 the first dividend will be paid. Play that up as big and black and prominent as you want to in your paper, because I know that there are a lot of depositors who are mighty anxious to find out about it. It is mighty welcome information to a great many."

"How much is in the bank now?" was asked of Mr. Ridges, who has been working like a beaver in behalf of himself and the depositors' committee, for you must remember Mr. Ridges has over \$20,000 tied up in the failed institution.

"I don't know," he replied. "They have been so secretive about it. I'll be going to find out pretty quick. I think I am going to know some things within the next four or five days. I understand that some good and some bad news is coming. I want to know what that word 'doubtful' as a ban on some of the securities. I think we ought to know something about that. I'm on the track all right. I'm going to find out everything that I can for the depositors."

Technically, the controller pays the dividend to the stockholders and not the receiver. The latter makes the check and the receiver then gives it to the depositors.

A good deal of misunderstanding exists with reference to the matter of interest. People who had certificates of deposit in the bank are allowed interest on their money up to the time that the bank closed its doors. That does not apply to open accounts. After the institution failed, the depositors' committee must remember that the payment of interest on deposits ceased. The first thing that the receiver does is to make the dividends pay out the principal. Should that be possible and if there is a surplus, then the depositors are entitled to interest on their money.

SHERMAN ELLIOTT IS SICK.

Suffering With Gravel He Is Taken Home in an Ambulance.

Sherman Elliott, treasurer of the state board of control, was taken seriously ill at the state house this morning with an attack of nephritis, or gravel, and had to be taken to his home at 1016 Tyler street in an ambulance.

Mr. Elliott complained of not feeling well when he arrived at the office, but in a short time, the pain became so acute that he was unable to continue his work. Dr. Menninger, who was summoned, Mr. Elliott was then removed to his home.

Dr. Menninger said in speaking of the illness of Elliott's attack is not of a dangerous nature, but it is of course exceedingly painful. It is hard to tell how long it will continue. He may be confined several days and it may be over in 24 hours.

Mr. Elliott has already been operated upon for appendicitis so he is safe from that danger.

CHARLES CALLED UP.

Superintendent of Reform School Must Answer Charges Tuesday.

The investigation of Superintendent Charles of the state industrial school, is scheduled to take place next Tuesday. Dr. Eva Harding, who filed the charges, was notified this morning to come before the board at that time with her witnesses.

There is some talk of having the board make a trip out to the Reform school for the purpose of taking the testimony of some witnesses, looking at the books, and inspecting the institution.

FUNERAL OF VINSON WALSH.

Newport, R. I., Aug. 21.—Simple funeral services over the body of Vinson F. Walsh, who was killed in an automobile accident, were held today at the summer home of Thomas F. Walsh, the father of the dead boy. The only persons present were close friends of the Walsh family. With the exception of Miss Evelyn Walsh all the others who were injured in the accident were doing well today.

WILL COSCH THE BADGERS.

Madison, Wis., Aug. 21.—Alvin A. Kraenzlein, the star athlete who holds half a dozen track records, has been engaged as track coach and trainer at Wisconsin university for the coming year. He will begin his work by taking charge of the training of the football squad on September 3, when the boys will assemble at Marinette, Wis., for preliminary work.

WEATHER INDICATIONS.

Chicago, Aug. 21.—Forecast for Kansas: Fair tonight and Tuesday; variable winds.

GRAVES GETS IT.

Emporia Man Is Appointed Supreme Court Justice.

Will Succeed the Late Judge Cunningham.

HAS A GOOD RECORD.

Served for 12 Years on the District Bench.

Reported That Justice Cunningham Suggested His Successor.

Judge C. B. Graves of Emporia was appointed as justice of the supreme court by Governor Hoch at noon today.

Judge Graves will succeed the late Justice E. W. Cunningham who died last Thursday. He not only comes from the same congressional district

Judge Graves had a lot of strong endorsement from the lawyers in his part of the state. Some of his friends took his candidacy in hand as soon as the death of Judge Cunningham was known, and secured signatures among the lawyers at all the leading towns in the Fourth district. These endorsements were sent to Governor Hoch, although it seems likely that Graves' appointment was assured without them.

The ascension of Judge Graves to the bench will round out a long and honorable legal career. He is now 64 years of age, having been born in 1841 near Richmond, in Wayne county, Ind. He lived there until 1851 when he moved to Fulton county, Ill. In 1859 he came to Kansas, and settled first in Neosho Falls. In 1861 he enlisted in Captain Goss' company of the Iowa battalion, which was part of the Ninth Kansas cavalry. He was mustered as a non-commissioned officer in 1865. He lived in Leavenworth county for a year, and then went to Woodson county, where he engaged in farming for a year. He then began reading law in the office of Judge H. N. Bent at Burlington, Coffey county, and in 1869 was admitted to the bar. He located in Woodson county and was living there when in 1872 he married Miss Hattie S. Hawkins, an Indiana girl who came to Greenwood county from Indiana in 1857.

Judge Graves moved from Woodson county to Burlington, Coffey county, in 1875, and five years later was elected judge of the Fifth judicial district, a position which he held for twelve years. While serving as judge he moved to Emporia, as a more convenient place on the circuit and has continued to make it his home ever since. During his life he has, in ad-



Justice Charles B. Graves, Named Today as Successor to Justice E. W. Cunningham.

as Judge Graves, but from the same city and is regarded as an excellent lawyer as well as a good judge. He served three terms as district judge.

There is a story that Justice Cunningham, some time before his death, made the request that Judge Graves be appointed to succeed him in case he should die, and that this request was communicated to Governor Hoch. Governor Hoch would not confirm this story. "No such request was made by Judge Cunningham of me," he said. "It is known, however, that Judge Cunningham felt under obligations to Judge Graves because at the time of Cunningham's appointment by Governor Stanley, Graves was also a candidate, and withdrew in favor of Cunningham. The fact that Governor Hoch has stated that he was ready to appoint a successor 15 minutes after receiving word of Cunningham's death indicates that Judge Graves had been brought to his attention as a possible successor to Cunningham."

N. F. Morehouse, ex-senator from Morris county, who came to Topeka today to urge the appointment of Judge Graves, said: "Judge Graves stands at the head of the legal profession in his community and in the state. The appointment is a splendid one. Judge Graves will be one of the strongest men on the bench. Judge Graves has been one of the solid Republicans of the state; he never wavered in the olden days, but got out and did valiant work on the stump for the party."

John Madden, of Emporia, lately appointed general attorney for the Katy, said: Judge Graves' appointment is proper recognition for one of the most substantial and painstaking lawyers in the state. He will be an excellent judge."

Attorney General Coleman said: "I know Judge Graves well, and he will do credit to the supreme bench."

W. R. Stubbs, who came down from Lawrence to see Governor Hoch today, seemed to be satisfied with the appointment of Graves. "Judge Graves," he said, "is a man of whom I have long admired, and I do not doubt he will make a good judge."

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POINT FOR THE DEFENSE.

Court Refuses to Dismiss Mrs. Taggart's Cross Petition.

Wooster, O., Aug. 21.—When the Taggart divorce case opened today Attorney Sterling for the plaintiff made an address to the court in which he claimed Mrs. Taggart, as a non-resident of Ohio, has no right in court here except in answer to her husband's petition, and that she cannot under the laws of Ohio, be granted a divorce, being here by right only to make a general denial of her husband's claim. Sterling said Mrs. Taggart's cross petition is really no cross petition, in that it does not state a cause of action; that no summons has been issued on the cross petition and served on the defendant.

The whole matter is alleged to be

SEPARATE STATEHOOD.

Constitutional Convention of Civilized Tribes Assembles at Muskogee.

Muskogee, I. T., Aug. 21.—The separate statehood constitutional convention with nearly 200 delegates representing the five civilized tribes, present, opened here today. Among the candidates for temporary chairman are M. W. Hastings, of Tahlequah; Judge Ward and D. C. McCurtain, Jr., of the Choctaw nation, and Chief P. Porter, of Muskogee. Chief Porter declared that he would rather be free from work in the convention. W. W. Hastings of Tahlequah may be named permanent chairman.

The first week or ten days of the convention probably will be occupied by organizing and appointing committees for the various branches of the work and discussing the main points that should enter into the constitution. The convention probably will then adjourn for a week and reassemble, at which time the committees will report any action on the proposed constitution will be submitted.

Delegates will be allowed to suggest changes and discuss points freely, and will doubtless occupy much time, and the convention may last thirty or even sixty days.

THE WEATHER IS PLEASANT.

Less Complaint Being Heard as Mercury Stays Around 80.

The weather bulletin for today shows that fair weather prevails over the entire state with temperatures ranging from 76 at Wichita to 90 at Manhattan and Concordia. Clear weather, with but slight changes in temperature prevailed over Kansas and western Missouri this morning, while light showers have occurred in southwestern Kansas. At Topeka the conditions are very much the same as they have been for the past 60 hours. A gentle 10 mile an hour breeze is blowing from the south while the temperature is staying around the 80 mark and the conditions are not such that any one possessed of an ordinary disposition can find any fault with them, though as yet there are no indications of a early frost or anything of that kind. The maximum temperature for yesterday was only 81 and at that there was a cooling breeze most all day. The minimum temperature for today occurred this morning at an early hour and was 67.

The maximum and minimum temperatures as recorded at the various government stations for the state for the 24 hours ending at 7 o'clock this morning were:

Baker 86, 64; Concordia 90, 68; Fort Scott 82, 62; Manhattan 92, 62; McPherson 88, 62; Manhattan 90, 88; Oage City 86, 64; Russell 90, 62; Topeka 85, 67; Toronto 82, 62; Wichita 90, 68.

The hourly temperatures as recorded at the government station in this city for today were:

7 o'clock.....71 11 o'clock.....81

8 o'clock.....74 12 o'clock.....84

9 o'clock.....76 1 o'clock.....87

10 o'clock.....78 2 o'clock.....86

Wind south 12 miles at 2 p. m.

ARE TOO SLOW.

Missouri Pacific Officials Worry Kansas Board.

In No Hurry to Comply With Orders.

APPEAL TO COURTS.

No Depot Built at Chicopee as Ordered.

Little Hope of Improving Central Branch Soon.

Close on the heels of the mandamus suit to compel the Missouri Pacific to repair and make safe the Central Branch tracks from Lenora to Downs, it is likely that the board of railroad commissioners will be obliged to commence another mandamus suit to compel the Missouri Pacific to obey the order of the board and build a depot at Chicopee.

Chicopee is a little town in Crawford county, a few miles from Pittsburg. The town claimed that its business justified the maintenance of a depot, and the railroad company refused to put one in. The town appealed to the railroad board, and the board, after an investigation, decided that the town should have the depot. The order was issued several months ago. Nothing has been done yet.

The general attitude of the Missouri Pacific seems to be to avoid doing what the railroad board tells it to do, if such a course is possible. It seems that about the only way the board can secure obedience from this road is to bring action in the courts.

Carr Taylor, attorney for the railroad commissioners, says: "I have no fault to find with the legal representatives of the Missouri Pacific. They attend to their part of the work promptly, and seem inclined to hurry up matters as much as they can. But the executive and operating part of the road is at fault. It drags, drags, drags, and never seems to get around to what it is alleged to do. I don't see why the road has adopted this policy. It seems to me it is bound to be detrimental to the road in the end. If we have to bring a mandamus suit every time we want anything done, it will not look well for this road before the public. Take it in the case of that Central Branch. The track was in a dangerous condition, and the board ordered it to be repaired. We issued the order, and it was neglected. Then we secured the writ mandamus, which simply advises to the world that the Central Branch is unsafe for traffic. The company claims it could not get steel. I say that the company could get a crew of men to work with the cars, and in two weeks put the Central Branch into a condition of temporary safety. There is no excuse for that. The Missouri Pacific is making good money here in Kansas. Its gross receipts per mile of road operated is over \$5,000. There is no excuse for allowing a portion of its line to get into such condition."

But if the company would obey our orders promptly it would not be so bad. The Chicopee depot is simply another instance, and a mandamus suit will probably have to be brought to bring the company to some sense of duty."

The Missouri Pacific is the road which is much interested in the fight on the law passed by the last legislature to compel railroads to comply with the orders of independent elevators, and it is apparently doing its utmost to defeat the operation of this law. Of course there are some other roads in this fight, and the policy of obstruction is general. No sidetracks have so far been built, and several cases involving the law are now pending in the courts. H. J. Rickenbrode, of Medora, has notified the board that the Rock Island has failed to put in the switch at Medora which was placed there by the board. Mr. Rickenbrode is interested in a grain elevator at that place, and says that owing to the fact that the Rock Island has failed to put in the switch, the farmers have not been bringing their grain to Medora, but have been taking it to other neighboring towns. It is possible that the board will have to take some action in the courts to enforce the order concerning the Medora siding.

Generally speaking, the railroads of the state comply promptly to the demands of the railroad commissioners. There is very little trouble in enforcing orders even when the railroads believe the orders are wrong. Not long ago Santa Fe made a hard fight against the location of an agent at a certain point, but complied when the board ordered that the agent be placed there. It is the board that it would keep track of the business originating at that point, and expected later on to show to the board that the move had not been profitable.

ATTEMPT ON HER LIFE.

Queen Margherita's Automobile Is Wrecked in the Alps.

New York, Aug. 21.—News has been received, says a Turin dispatch to the Herald, that an attempt was made to assassinate Queen Margherita, mother of King Victor Emmanuel, who is making a tour of the Alps in an automobile. She was ascending the little St. Bernard, accompanied by the Marquis di Villamarina, another lady of the court, and two gentlemen, when the machine suddenly struck a stone barricade that had been erected in the middle of the road and was overturned. No one was injured.

It was discovered that the barricade had been placed there to bring about a fatal accident. Two arrests were made.

DEATH OF PASTOR ERICH.

Marion, Kan., Aug. 21.—The Rev. Jacob Erlich, pastor of the German church here, is dead. He was one of the pioneers among the thousands of Mennonites who have come to Marion county in the past thirty-four years. The Rev. Mr. Erlich came to America from Russia in 1867. He was 58 years old and is survived by fourteen children.